

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RICHARD CALDERON,

Petitioner,

v.

JUSTIN JONES,

Respondent.

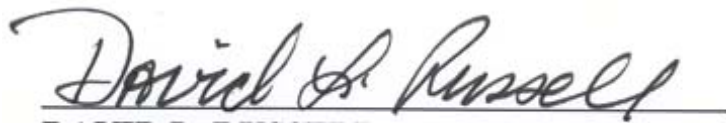
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CIV-05-1141-R

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge entered November 22, 2005. No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. Therefore, the Report and Recommendation is ADOPTED in its entirety and the petition of Richard Calderon for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DISMISSED without prejudice to refiling for failure to exhaust available state court remedies.

It is so ordered this 14th day of December, 2005.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE